

Response
Application No. 10/671,827
Attorney Docket No. 031216

REMARKS

Claims 10-13, 15 and 18-20 and are pending in the application and were rejected. Claims 21-29 are withdrawn from consideration and claims 1-9, 14, 16, 17 and 30-60 are canceled. Applicants submit this reply is fully responsive to the Office Action dated July 18, 2007. No new matter has been added. Favorable reconsideration is earnestly solicited.

Specification

The Examiner submits the title of the invention is not descriptive. A new title, "*Imaging Apparatus Using Variable Configuration Reflecting Surfaces for a View Finder and Image Taking Section*," has been submitted. Applicants submit this addresses the rejection.

On the Merits

Claim Rejections - 35 U.S.C. §103

Claims 10-13, 15, and 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nishioka et al.* (US 2002/0041445).

The substance of all of the amended claims 10 to 13, 15, 18, and 19 of the application of the present case as previously described is "controlling the conduction of electricity so that the periods during which electricity is conducted respectively to the plurality of variable configuration mirrors do not overlap, each other in time".

In connection with claims 10 to 13, the Examiner in page 8, line 9 to page 9, line 1 of the Office Action maintains that variable mirrors (9J, 9K) of the finder of *Nishioka* are adapted so as to avoid an overlap of electric conduction, and that the avoiding of an overlap of electric

conduction to two variable configuration mirrors in a single-lens reflex optical system for digital camera is obvious to those skilled in the art. An assertion based on substantially the same spirit is made also in connection with claims 15, 18, and 19.

In Fig. 28 and paragraphs [420], [421] serving as its explanation of *Nishioka*, however, a disclosure is made with respect to a zoom-type finder, merely describing that a finder in wide angle condition can be achieved by reducing electric conduction to one variable mirror so as to lessen its concave reflecting surface and by increasing electric conduction to the other variable mirror so as to increase its concave reflecting surface, and that a finder in telephoto condition can be achieved by reversing the increase/reduction relationship.

In other words, a disclosure is made in *Nishioka* only with respect to the increase/reduction relationship of electric conduction to the two variable mirrors, and it does neither disclose nor suggest the controlling of electric conduction as in the invention of the present case so as to avoid an overlap in time of the electric conduction periods to the two variable mirrors.

Accordingly, Applicants respectfully submit that the assertion by the Examiner “variable mirrors (9J, 9K) of *Nishioka* are adapted so as to avoid an overlap of electric conduction” is incorrect.

The invention of the present case as described above, then, has an advantage that peak power can be reduced by controlling electric conduction so that the electric conduction periods to the two variable configuration mirrors do not overlap each other in time, (reference for example to Fig. 17 of the application). *Nishioka*, by contrast, only discloses the balancing of the

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configuration of the two variable mirrors so as to obtain a predetermined zoom ratio, and no disclosure at all is made therein with respect to the reducing of peak power which is an object of the invention of the present application.

Accordingly, the inventions according to amended claims 10 to 13, 15, 18, and 19 of the present case are not obvious from *Nishioka*, and are believed to be fully patentable.

Independent Claim 10:

Independent claim 10 requires in part:

a control section for effecting control so as to avoid a reciprocal overlap of timings at which electricity is conducted respectively to the variable configuration mirror to be used for said **image taking** section and to the variable configuration mirror to be used for said **optical finder**. Emphasis added.

The Examiner acknowledges this element is not specifically disclosed in the '445 application, but instead asserts that it would be obvious based on the '445 application. Specifically, the Examiner states that in figure 28, mirrors 9J and 9K are used in a **Galilean finder**. These mirrors may operate as a wide angle Galilean finder or a telephoto Galilean finder. To wit, as a wide angle finder, the action of mirror 9J is weak and the action of mirror 9K is strong. To work as a telephoto finder, it is just the opposite, the action of mirror 9J is strong and the action of mirror 9K is weak.

The Examiner contends that in this particular embodiment, the conduction electricity does not overlap since the action of one mirror is always weak while the other mirror's action is strong.

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Applicants respectfully disagree with the Examiner's position. First, claim 10 requires the timing of the electricity of the "image taking" mirrors and of the "optical finder" mirrors not to overlap. The '445 application, in the Examiner's cited passage, only discusses a Galilean **finder**. The mirrors 9J and 9K are both part of only the Galilean finder and not part of an image taking section. As such, the Examiner has not shown each element of the claimed invention, namely the image taking section.

Additionally, claim 10 requires avoiding overlap of timings at which electricity is conducted to variable mirrors. The '445 application does not appear to disclose this feature. Just because the action of a variable mirror is weak does not mean that no electricity is being used to adjust the mirror. The '445 application appears silent on this feature.

Independent Claim 11:

Independent claim 11 requires a similar feature to that discussed above regarding independent claim 10. As such, the arguments presented above regarding claim 10 also apply to claim 11.

Dependent Claim 12:

As claim 12 depends upon claim 11, the arguments presented regarding claim 11 also apply to claim 12.

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Independent Claim 13:

Independent claim 13 requires a similar feature to that discussed above regarding independent claim 10, namely “that the conduction of electricity for at least one variable configuration mirror ... does not overlap the conduction electricity for the other configuration mirror.” The second argument regarding claim 10 also is applied to claim 13. Specifically the ‘445 application does not disclose mutually exclusive, or non-overlapping conduction electricity being used to operate the variable mirrors. As indicated earlier, even a weak action to adjust the mirrors of the ‘445 application will not disclose the claimed invention.

Independent Claim 15:

Independent claim 15 requires in part:

a control section for controlling the conduction of electricity so that the periods during which electricity is conducted respectively to the plurality of variable configuration mirrors do not overlap.

This feature is similar to that required in independent claim 10. In fact, the Examiner uses the same rationale as was used in claim 10 to reject claim 15. As such, the arguments presented above regarding claim 10 also apply to claim 15.

Dependent Claim 18:

As claim 18 is similar to claim 10, the argument presented earlier regarding claim 10 should also apply to claim 18.

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Independent Claim 19:

Independent claim 19 requires in part:

wherein the control section effects control so that an intermittent conduction of electricity for retaining the configuration of the reflecting surface of said variable configuration mirrors to a predetermined configuration within a permissible range is repeated in such a manner that an **intermittent cycle for the variable configuration mirror** to be used for said **image taking section** is shorter as compared to that for the variable configuration mirror to be used for said **optical finder**. Emphasis added.

The Examiner acknowledges that this feature is not disclosed by the '445 application, but instead contends it is disclosed in paragraphs 423-431 and figure 30. However as discussed earlier, paragraphs 423-431 do not appear to disclose this feature.

Nowhere in the '445 application does it disclose any "intermittent cycle for the variable configuration mirror." Furthermore, it appears the aforementioned disclosure only discusses an optical "finder" and not an "image taking section." As such, Applicants respectfully submit that believe the Examiner's rejection is inappropriate.

Independent Claim 20:

As independent claim 20 contains similar features to those discussed above regarding independent claim 19, the same arguments provided above regarding claim 19 also apply to claim 20.

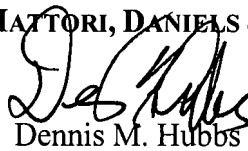
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned agent to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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